

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHILIP ANGUS,

on behalf of himself and all others
similarly situated,

Plaintiff,

vs.

FLAGSTAR BANK, FSB,
a Michigan-based federally chartered
stock savings bank,

Defendant.

Case No.: 4:22-cv-11385-SDK-KGA

**FOURTH MOTION TO
CONSOLIDATE CASES**

Plaintiff Philip Angus, (“Plaintiff”), individually and on behalf of all others similarly situated, pursuant to Fed R. Civ. P. 42(a) and LR 42.1, moves the Court for an order consolidating this case with two subsequently filed cases: (1) *McCarthy v. Flagstar Bank, FSB*, No. 3:22-cv-11536-RHC-APP, filed July 7, 2022 and pending before Hon. Robert H. Cleland; and (2) *Turner v. Flagstar Bank, FSB*, No. 2:22-cv-11539-MAG-EAS, filed July 7, 2022 and pending before Hon. Mark A. Goldsmith.

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing

or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”

LR 42.1 provides that “[a] party seeking to consolidate cases under Federal Rule of Civil Procedure 42(a) must: (1) file a motion in the case with the earliest case number; and (2) file a notice of the motion in each related case.” *Id.* § (a). “The district judge presiding in the earliest numbered case will decide the motion. However, the motion may not be granted unless the judges presiding in the related cases consent.” *Id.* § (b). “If the motion is granted, the consolidated cases will be reassigned to the judge presiding in the earliest numbered case.” *Id.* § (c).

On June 22, 2022, Plaintiff Angus initiated this earliest numbered case against Defendant, alleging claims arising from a data breach on behalf of individuals whose information was impacted by the data breach. (Doc. 1). The later numbered *McCarthy* and *Turner* cases raise common questions of law and fact as they arise from the same data breach and assert similar claims on behalf of individuals whose information was impacted by the data breach.

As required by L.R. 42.1, Plaintiff’s counsel will, contemporaneously with filing this motion, file a notice of the motion in *McCarthy* and *Turner*.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order consolidating this case with *McCarthy*, No. 3:22-cv-11536-RHC-APP, and *Turner*,

No. 2:22-cv-11539-MAG-EAS, and reassigning *McCarthy* and *Turner* to Hon. Shalina D. Kumar, the judge presiding in this earliest numbered case.

/s/ John A. Yanchunis
MICHAEL N. HANNA (P81462)
MORGAN & MORGAN, P.A.
Attorney for Plaintiffs
2000 Town Center
Suite 1900
Southfield, MI 48075
Tel: (313) 251-1399
mhanna@forthepeople.com

JOHN A. YANCHUNIS
RYAN D. MAXEY
**MORGAN & MORGAN COMPLEX
LITIGATION GROUP**
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602
(813) 223-5505
jyanchunis@ForThePeople.com
rmaxey@ForThePeople.com

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on July 11, 2022, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ John A. Yanchunis

John A. Yanchunis